

## **REMARKS**

Claims 1-44 are pending in this application. Claims 1, 4, 7, 10, 14, 17, 20, 24, 28, 31, 36 and 42 are independent. Claims 1, 3, 4, 7 and 9 are currently amended. Claims 2, 5 and 8 have been canceled.

The Office Action objects to the drawings because original FIG. 2 includes the reference sign “G”, which is not described in the specification. Applicants have submitted a proposed drawing correction that deletes the reference sign “G” from FIG. 2.

The Office Action objects to the specification because the “chub” and the “conveyor” are both referred to as reference numeral “14”. Applicants have submitted a replacement paragraph to correct this informality.

The provisional rejection of claims 2, 3, 5 and 8-46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 6, 7, 9-36, 39 and 42-44 of copending Serial No. 09/872,441 is noted.

### **Rejection Under 35 U.S.C. 103(a)**

The Office Action rejects claims 1, 3, 4, 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Welt U.S. Patent No. 5,400,382 (“Welt”).

Independent claims 1, 4 and 7 have been amended to more particularly recite the subject matter in an effort to expedite prosecution. Specifically, these claims have been amended to recite that the absorption of the radiation energy from the source within the minimum and maximum limits is controlled by a fixture having irregularities complementary at the different

positions to the irregularities provided by the article at the different positions. Welt clearly does not disclose such a fixture, and therefore cannot be said to anticipate claims 1, 4 and 7 (or claims 3 and 6, which depend therefrom).

In view of the above, Applicants' respectfully request withdrawal of the rejection under 35 U.S.C. 103(a).

### Conclusion

It is believed this amendment now has placed the application in condition for consideration and allowance. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-0683 of Luce, Forward, Hamilton & Scripps.

Respectfully submitted,

Date

2-3-2005

David E. Heisey

Attorney for Applicant(s)

Reg. No. 42,651

c/o LUCE, FORWARD, HAMILTON  
& SCRIPPS LLP  
600 West Broadway, Suite 2600  
San Diego, California 92101  
Telephone No.: (619) 233-2984

**In The Drawings**

A replacement drawing sheet showing an amendment to FIG. 2 is hereby submitted for the Examiner's approval.